

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:19-cv-00862-CJN**

WILDEARTH GUARDIANS v. OFFICE OF SURFACE  
MINING RECLAMATION AND ENFORCEMENT et al  
Assigned to: Judge Carl J. Nichols  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/26/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****WILDEARTH GUARDIANS**

represented by **Alexa Marie Carreno**  
ENVIRONMENTAL AND ANIMAL  
DEFENSE  
501 S. Cherry Street  
Suite 1100  
Denver, CO 80246  
(720) 722-0336  
Email: [acarreno@edefense.org](mailto:acarreno@edefense.org)  
**ATTORNEY TO BE NOTICED**

**Jeremy Devin McKay**  
ENVIRONMENTAL AND ANIMAL  
DEFENSE  
501 S. Cherry Street  
Suite 1100  
Denver, CO 80246  
(720) 722-0336  
Email: [jmckay@edefense.org](mailto:jmckay@edefense.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**OFFICE OF SURFACE MINING  
RECLAMATION AND  
ENFORCEMENT**  
*a federal agency within the U.S.  
Department of the Interior*

represented by **Joshua L. Rogers**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2578  
Fax: (202) 252-2599  
Email: [joshua.rogers3@usdoj.gov](mailto:joshua.rogers3@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. DEPARTMENT OF THE  
INTERIOR**  
*a federal agency*

represented by **Joshua L. Rogers**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/26/2019	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0090-6023425) filed by WILDEARTH GUARDIANS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Civil Process Clerk, # <u>3</u> Summons DOI, # <u>4</u> Summons OSMRE, # <u>5</u> Summons U.S. AG)(McKay, Jeremy) (Entered: 03/26/2019)
03/26/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by WILDEARTH GUARDIANS (McKay, Jeremy) (Entered: 03/26/2019)

03/27/2019		Case Assigned to Judge Christopher R. Cooper. (zef, ) (Entered: 03/27/2019)
03/27/2019	<u>3</u>	SUMMONS (4) Issued Electronically as to OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 03/27/2019)
04/08/2019	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/2/2019. Answer due for ALL FEDERAL DEFENDANTS by 5/2/2019. (McKay, Jeremy) (Entered: 04/08/2019)
04/08/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/03/2019. (McKay, Jeremy) (Entered: 04/08/2019)
04/08/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF THE INTERIOR served on 4/1/2019 (McKay, Jeremy) (Entered: 04/08/2019)
04/08/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT served on 4/1/2019 (McKay, Jeremy) (Entered: 04/08/2019)
04/09/2019	<u>8</u>	NOTICE of Appearance by Alexa Marie Carreno on behalf of WILDEARTH GUARDIANS (Carreno, Alexa) (Entered: 04/09/2019)
04/26/2019	<u>9</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of All Defendants (Rogers, Joshua) (Entered: 04/26/2019)
04/30/2019	<u>10</u>	MOTION for Extension of Time to File Answer by OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 04/30/2019)
05/02/2019		MINUTE ORDER granting <u>10</u> Defendants' Motion for Extension of Time to Answer. Defendants shall respond to Plaintiff's complaint by June 3, 2019. Signed by Judge Christopher R. Cooper on 5/2/2019. (lccrc1) (Entered: 05/02/2019)
05/30/2019	<u>11</u>	Unopposed MOTION for Extension of Time to File Answer by OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 05/30/2019)
05/31/2019		MINUTE ORDER granting <u>11</u> Defendants' Motion for Extension of Time to Answer. Defendants shall respond to Plaintiff's complaint by June 17, 2019. Signed by Judge Christopher R. Cooper on 5/31/2019. (lccrc1) (Entered: 05/31/2019)
06/14/2019	<u>12</u>	Unopposed MOTION for Extension of Time to File Answer by OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 06/14/2019)
06/18/2019		MINUTE ORDER granting <u>12</u> Motion for Extension of Time to Answer. Defendants shall respond to the complaint by July 17, 2019. Signed by Judge Christopher R. Cooper on 6/18/2019. (lccrc1) (Entered: 06/18/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Christopher R. Cooper is no longer assigned to the case. (ztnr) (Entered: 06/24/2019)
07/15/2019	<u>13</u>	Consent MOTION for Extension of Time to File Answer by OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 07/15/2019)
07/16/2019		MINUTE ORDER. Upon consideration of Defendants' <u>13</u> Consent Motion for Extension of Time to File Answer, it is hereby ORDERED that the motion is GRANTED and that the Answer deadline is extended to August 16, 2019. It is further ORDERED that the Parties shall confer and file a Joint Status Report on or before

		August 30, 2019. The Joint Status Report shall address: (1) the status of the Plaintiff's FOIA request; (2) the anticipated number of documents responsive to the Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on July 16, 2019. (lccjn1) (Entered: 07/16/2019)
08/16/2019	<u>14</u>	Joint MOTION to Stay by OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 08/16/2019)
08/19/2019		MINUTE ORDER. Upon consideration of the Parties' <u>14</u> Joint Motion to Stay, it is hereby ORDERED that the Parties' Motion is GRANTED and this matter is stayed until September 16, 2019. It is further ORDERED that the Parties shall submit a Joint Status Report by September 16, 2019. Signed by Judge Carl J. Nichols on August 19, 2019. (lccjn1) (Entered: 08/19/2019)
08/19/2019		Case Stayed. Set/Reset Deadlines/Hearings: Joint Status Report due by 9/16/2019. (zcdw) (Entered: 08/19/2019)
09/18/2019	<u>15</u>	ERRATA by OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 09/18/2019)
09/18/2019	<u>16</u>	Joint STATUS REPORT by OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 09/18/2019)
09/18/2019		MINUTE ORDER. In light of the Parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before October 16, 2019. Signed by Judge Carl J. Nichols on September 18, 2019. (lccjn1) (Entered: 09/18/2019)
09/18/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/16/2019. (zcdw) (Entered: 09/18/2019)
10/16/2019	<u>17</u>	Joint STATUS REPORT by OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 10/16/2019)
10/17/2019		MINUTE ORDER. In light of the Parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the Parties shall file an additional Joint Status Report on or before October 30, 2019. Signed by Judge Carl J. Nichols on October 17, 2019. (lccjn1) (Entered: 10/17/2019)
10/17/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/30/2019. (zcdw) (Entered: 10/17/2019)